

**VILLAGE OF COTTAGE GROVE
VILLAGE BOARD OF TRUSTEES
Monday, August 18, 2014**

MINUTES

1. Call to order

The August 18, 2014 regular meeting of the Village Board of Trustees was called to order at 6:31 p.m. by Village President Diane Wiedenbeck.

2. Determination of quorum and that the agenda was properly posted.

It was determined that a quorum of members was present and that the agenda had been properly posted. Roll call was taken. Village Board members present were: Jack Henrich, Ed Lemay, Rebecca Ninke, Harvey Potter, Dave Wallace and Village President Diane Wiedenbeck. Trustee Jennifer Pickel was absent and excused. Staff present were: Clerk Treasurer Deb Winter, Administrator Matt Giese, Chief of Police Chris Hughes, Village Planner Erin Ruth and Village Attorney Leighton Boushea. There were 2 citizens in attendance.

3. Pledge of Allegiance.

4. PUBLIC APPEARANCES – *Public's opportunity to speak about any subject that is not a specific agenda item.*

Kris Hampton of 3310 Cty Hwy N approached the Village Board. Mr. Hampton read an email sent by the LEC Chair which stated that it was no longer necessary to hold Law Enforcement Committee meetings until the study from Moffett and Associates is finalized. After the study, the LEC will continue to meet through the end of the year. Mr. Hampton stated his disagreement with this arguing that the agreement states the committee should meet until the agreement is no longer valid. There are still bills to approve and items to discuss.

5. Discuss and consider the minutes of the Village Board meeting on August 4, 2014.

Motion by Lemay to approve the minutes of the regular meeting of the Village Board on August 4, 2014 with two changes, seconded by Potter. **Motion** carried with a voice vote of 5-0-1 with Ninke abstaining.

6. Discuss and consider the minutes of the Special Village Board meeting on August 11, 2014.

Motion by Lemay to approve the minutes of the Special Village Board meeting on August 11, 2014 as read, seconded by Wiedenbeck. **Motion** carried with a voice vote of 5-0-1 with Wallace abstaining.

7. Presentations to the Board

None

8. Unfinished Business

a. Status Update on Village Police Department Study.

Giese reported that Moffett and Associates are finalizing the draft report. We hope to have a copy by one of the meetings in September. Alex Jushchyshyn of 501 Killian Trail approached the Board with some questions regarding the Police Study. Mr. Jushchyshyn stated that in his notes he has that the report was due in July and his question is why the delay and were there changes in the scope of the study. Giese replied that there really isn't a delay and that they meet their

required deadline with no change in the scope. Mr. Jushchyshyn then asked if we know what the final cost for buying out the assets of the Town will be and where the funds will come from. The reply was that no, the amount of the buyout is unknown and that the Village will be borrowing for the build out of a building and other dissolution costs. Mr. Jushchyshyn asked if there will still be an LEC to which the answer was no, but there will be a Village only Police Commission. Mr. Jushchyshyn's final question was if there was a backup plan for where the Police will be housed come January 1, 2015 and if we have any idea what the increase in taxes will be. The response was that the Village is still working through a backup plan and final numbers are not available at this time.

9. New Business

a. Discuss and consider new operator license for:

i. Tyler Peterson; Village Liquors

ii. Jan Miller; Stop N' Go – Windsor Ave.

Motion by Lemay to approve operator licenses for the above two applicants, seconded by Ninke. **Motion** carried with a voice vote of 5-0-1 with Potter abstaining.

b. Discuss and consider Sound Amplification Permit Request from 1855 Saloon & Grill for October 3, 4 and 5, 2014

Shirley Langer and Dwight Huston were present. **Motion** by Henrich to approve a Sound Amplification Permit for 1855 Saloon & Grill for October 3, 4 and 5, 2014, seconded by Lemay. **Motion** carried with a voice vote of 6-0-0.

c. Discuss and consider request from 1855 Saloon & Grill for a Revision of Liquor License Description of Premises.

Motion by Lemay to approve a Revision of Liquor License Description of Premises for 1855 Saloon & Grill for October 3, 4 and 5, 2014, seconded by Ninke. **Motion** carried with a voice vote of 6-0-0.

10. Reports from Village Boards, Commissions & Committees

a. Emergency Government Committee

Lemay reported that the next meeting will be held on September 3, 2014. The committee completed the final revisions of the manual. We also had a productive meeting with Jay McClellan. We will be starting to do some mock disaster exercises. Wiedenbeck stated that she is also working on NIMs training requirements and updating the contact list.

b. Finance and Personnel Committee

i. Discuss and consider recommendation from Finance and Personnel Committee regarding direction for the 2015 Village budget.

Giese reported that the committee discussed two main areas that will result in an increase in the 2015 budget. One is the fact that we can no longer use undesignated funds to cover a portion of the levy. The fund balance has been relied upon for the past several years and is no longer available. The second reason is the potential development of a Village Only Police Department. **Motion** by Potter to approve the recommendation from the Finance and Personnel Committee regarding direction for the 2015 Village budget, seconded by Lemay. **Motion** carried with a voice vote of 6-0-0.

c. Plan Commission

- i. **Discuss and consider recommendation from Plan Commission for a Certified Survey Map application from Homburg Contractors Inc. on behalf of Clasen Quality Coatings, combining Lots 1 and 3 of the Cottage Grove Business Park into one 4.8533 acre parcel.**
Ruth reported that Clasen has recently purchased an adjacent lot and wants to now combine their lots. **Motion** by Potter to approve the recommendation from the Plan Commission for a Certified Survey Map application from Homburg Contractors Inc. on behalf of Clasen Quality Coatings, combining Lots 1 and 3 of the Cottage Grove Business Park into one 4.8533 acre parcel, seconded by Lemay. **Motion** carried with a voice vote of 6-0-0.
- ii. **Discuss and consider recommendation from Plan Commission for a Zoning Map Amendment application from Flad Architects on behalf of the UW Medical Foundation to rezone 4590 County Highway N from PUD, Planned Unit Development to PB, Planned Business.**
Flad Architects gave a short presentation on the proposed building site. Ruth spoke regarding the comments made at Plan Commission. He recommends approval with one condition that a bufferyard with 0.4 opacity shall be provided on both the north and east sides of the property. **Motion** by Potter to approve the recommendation from the Plan Commission for a Zoning Map Amendment application from Flad Architects on behalf of the UW Medical Foundation to rezone 4590 County Highway N from PUD, Planned Unit Development to PB, Planned Business with the condition stated above from Ruth, seconded by Ninke. **Motion** carried with a voice vote of 6-0-0.
- iii. **Discuss and consider recommendation from Plan Commission for an application for a Site Plan review from Flad Architects on behalf of the UW Medical Foundation for the development of an approximately 14,000 square foot medical clinic at 4590 County Highway N.**
Motion by Potter to approve the recommendation from Plan Commission for an application for a Site Plan review from Flad Architects on behalf of the UW Medical Foundation for the development of an approximately 14,000 square foot medical clinic at 4590 County Highway N with the conditions as set forth in agenda item 10)c)ii) and the conditions as set forth in the MSA memo dated August 7, 2014, seconded by Lemay. **Motion** carried with a voice vote of 6-0-0.
- iv. **Discuss and consider recommendation from Plan Commission for a Certified Survey Map application from D'Onofrio Kottke on behalf of the UW Medical Foundation dedicating a portion of the parcel at 4590 County Highway N to the public right of way.**
Motion by Potter to approve the recommendation from Plan Commission for a Certified Survey Map application from D'Onofrio Kottke on behalf of the UW Medical Foundation dedicating a portion of the parcel at 4590 County Highway N to the public right of way, seconded by Wiedenbeck. **Motion** carried with a voice vote of 6-0-0.

- v. **Discuss and consider recommendation from Plan Commission for a request from John DeWitt to amend the Developer Agreement for the Coyle Highlands South subdivision as follows: 1) remove the 50' rear setback requirement on residential Lots 10,11,12,13 and 16, and allow a rear setback as permitted by the Village Zoning Ordinance; 2) remove the requirement that the developer install a fence adjacent to the Cottage Grove Cemetery.**

Boushea handed out a memo giving some history on the initial agreement of the 50' buffer. To date the Town of Cottage Grove along with the Plan Commission have voted that the 50' buffer remain intact. Staff recommendation is to deny both requests. **Motion** by Henrich to approve the recommendation from Plan Commission to deny the two requests from John DeWitt to amend the Developer Agreement for the Coyle Highlands South subdivision as follows: 1) remove the 50' rear setback requirement on residential Lots 10, 11, 12, 13 and 16, and allow a rear setback as permitted by the Village Zoning Ordinance; 2) remove the requirement that the developer install a fence adjacent to the Cottage Grove Cemetery, seconded by Ninke. **Motion** carried with a voice vote of 6-0-0.

d. Public Works Committee

Wiedenbeck reported that the meeting was cancelled due to lack of quorum.

e. Utility Commission

Wallace reported that they toured the new Water Tower again. The tower is now painted and looks great. At the meeting a citizen was present questioning his water usage. The citizen's water meter will be calibrated and tested.

11. Reports from Village Officers:

a. Jack Henrich

The LEC can meet, but there won't be much to discuss.

b. Ed Lemay

No Report

c. Rebecca Ninke

No Report

d. Jennifer Pickel

No Report

e. Harvey Potter

No Report

f. Dave Wallace

The next Utility Commission meeting will be Wednesday, September 10, 2014.

g. Diane Wiedenbeck

Reminder that the September meetings have changed to be September 8 and September 22 due to the Labor Day Holiday.

h. Attorney Lee Boushea

There was an article in today's State Journal noting an agreement from the League and Municipalities in regards to an open records issue involving whether Police Departments should be redacting information. A checklist has been established to determine if you can get a record that is not redacted.

i. Administrator Matt Giese

No Report

12. Communications and Miscellaneous Business

a. Consider approval of vouchers

Motion by Lemay to approve the Village portion of the vouchers in the amount of \$91,705.69, seconded by Potter. The check sequence goes from check #37608 to check #37680. **Motion** carried with a voice vote of 6-0-0.

b. Correspondence

Wiedenbeck reported and gave an update on DCCVA and a news story on DaneCom along with an available class on open records law. She also received information on The American Taxpayers Relief Act Seminar and the Greater Madison Chamber of Commerce Annual Dinner.

c. Future agenda items

Police Study

13. Closed Session – The Village of Cottage Grove Village Board will enter into Closed Session pursuant to Wisconsin State Statute §19.85(1)(c) considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility; Administrator’s evaluation process and pursuant to Wisconsin State Statute §19.85(1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved; enforcement of contractual obligations involving STC Towers, Inc.; provide status update, discuss various legal matters relating to Larue Fields vs. Village of Cottage Grove 13-CV-125P and pursuant to Wisconsin State Statute §19.85(1)(e) deliberating or negotiating the purchase of public property, investing of public funds, conducting other specified business whenever competitive and/or bargaining reasons require a closed session; consider proposed terms and conditions for letter of intent/offer to purchase 200-240 Progress Drive and adjacent properties.

Motion by Wiedenbeck to enter into closed session at 7:31 p.m., seconded by Lemay.

Motion carried with a roll call vote of 6-0-0.

14. Reconvene into open session and possible consideration of any closed session items.

Motion by Lemay to reconvene into open session at 8:43 p.m., seconded by Henrich.

Motion carried with a roll call vote of 6-0-0.

15. Discuss and consider letter of intent/offer to purchase 200-240 Progress Drive and adjacent properties.

No action was taken on this agenda item at this time.

16. Adjournment

Motion by Ninke to adjourn at 8:44 p.m., seconded by Lemay. **Motion** carried with a voice vote of 6-0-0.

Respectfully Submitted,

Deb Winter, Clerk Treasurer

Village of Cottage Grove

Approved: September 8, 2014

These minutes represent the general subject matter discussed in this meeting but do not reflect a verbatim documentation of the subjects and conversations that took place.

